



Update From Senator Cornyn

July 2005

The Senate during the month of June continued to deliver on the legislative priorities of the 109th Congress. One of the most significant priorities President Bush highlighted for Congress earlier in the year was passage of a national energy policy that would encourage innovation, and decrease our country's dependence on foreign sources of oil. I'm pleased to report we did indeed pass such a bill, and it will surely be a benefit to Texas industry. In July the Senate will likely turn its attention to a host of appropriations bills, defense authorization, and may consider one or more of the following issues: gun liability reform; a constitutional amendment to prohibit burning of the American flag; stem cell research, and the death tax. I will continue my work to address the issues important to Texans, and as always, I appreciate hearing from you.

The Supreme Court of the United States: What's Next?

Supreme Court Justice Sandra Day O'Connor announced her resignation from the Court on Friday, July 1. Under the steady hand of Justice Sandra Day O'Connor, America has weathered some of the most heated legal controversies our nation has ever endured – and for that, the American people will forever be grateful. Throughout her service on the nation's highest court, Justice O'Connor restored a measure of commonsense to our criminal justice system, a measure of respect for our nation's allocation of power between the states and the federal government, and a measure of freedom in the public square to people of faith. And although I have not always agreed with her rulings, I have always felt a deep and abiding respect for her commitment to public service and reverence for the law.

I'm confident that the President's nominee to replace Justice O'Connor will be an able jurist and among our nation's finest legal minds, but I am less confident of the treatment that nominee will receive from the President's opponents. During the past four years, we have seen unprecedented obstruction, partisanship, and venomous personal attacks dominate the Senate's judicial confirmation process. But the process ahead offers a fresh start, one that must be guided by an appreciation of the high office involved, and a personal respect for the individuals who stand as nominees.

For more information:

<http://www.cornyn.senate.gov/record.cfm?id=240079>

Protecting Homes, Small Businesses, and Private Property

The protection of homes, small businesses, and other private property rights against government seizure and other unreasonable government interference is a fundamental principle and core commitment of our nation's Founders. The Fifth Amendment of the United States Constitution specifically provides that "private property" shall not "be taken for public use without just compensation." Yet the Supreme Court, on June 23, 2005 in *Kelo v. City of New London*, held in a 5-4 vote that government may seize the home, small business, or other private property of one owner, and transfer that same property to another private owner, simply by concluding that such a transfer would benefit the community through increased economic development. This is an alarming decision, and it is appropriate for Congress to take action.

That's why I introduced on June 27 the Protection of Homes, Small Businesses, and Private Property Act of 2005. The legislation would declare Congress's view that the power of eminent domain should be exercised only "for public use," as guaranteed by the Fifth Amendment, and that this power to seize homes, small businesses, and other private property should be reserved only for true public uses. Most importantly, the power of eminent domain should *not* be used simply to further private economic development. Momentum is growing quickly for the bill, with more than 15 co-sponsors already signed on, and I am urging the Senate to take up this important legislation soon.

For more information:

<http://www.cornyn.senate.gov/record.cfm?id=239637>

A National Energy Policy: Encouraging Innovation

In June the Senate worked to pass a comprehensive energy bill that will help diversify our country's energy supply, increase domestic production and conservation, and encourage innovative technologies to meet our growing energy needs. I was successful in including amendments to the bill that will benefit Texas industry, including making additional money available for Texas from oil and gas produced off-shore, and ways to assist the businesses working on new energy development technology. The bill has unprecedented conservation and efficiency measures. It also modernizes and expands the nation's electricity grid, and encourages the design and deployment of advanced nuclear, clean coal, and hydrogen technologies aimed at moving America away from its dependence on foreign oil. There is still much work to be done. The bill still must go through conference with the House, and some issues have yet to be resolved – including the safe harbor for MTBE. It is critical that Congress pass this comprehensive energy package to

meet the growing energy needs of our country, maintain our global competitiveness, and decrease our dependence on foreign energy sources.

For more information:
<http://www.cornyn.senate.gov/record.cfm?id=240102>

Protecting the Border and Immigration Reform

In June, travel to Texas afforded me the opportunity to participate in roundtable events to discuss immigration in both San Antonio and Austin, and similar events are planned in both Laredo and McAllen on July 7. Likewise, on June 25, I joined Catholic Bishops and other international leaders in El Paso for the first U.S. – Mexico Catholic Bishops Conference on Migration to discuss border security and immigration reform and continuing efforts in the Senate and by the Bush Administration to combat the scourge of sex trafficking and human slavery.

As Chairman of the United States-Mexico Interparliamentary Group, I was proud last month to join members of the U.S. and Mexican Congresses for their **44th Annual Conference** in Newport, Rhode Island June 9-12, the purpose of which was to discuss issues of mutual interest, including trade, terrorism, drug trafficking, immigration, and other issues affecting both nations. My efforts as chairman of the Immigration, Border Security and Citizenship subcommittee continued this month as I co-chaired the **final hearings in an ongoing series** to determine which challenges facing our system can be solved with additional resources or legal tools, and which require more comprehensive reforms to current law and domestic policy. In July I will introduce comprehensive legislation reform with my colleague Sen. Jon Kyl (R-Ariz.), which will dramatically strengthen enforcement, bolster border security, and comprehensively reform immigration laws. I welcome your comments regarding this important issue.

For more information:
<http://www.cornyn.senate.gov/slides/photo48.cfm>
<http://www.cornyn.senate.gov/record.cfm?id=240068>

Supporting Texas Military Throughout the BRAC Process

As the Base Realignment and Closure (BRAC) process moves forward, I am continuing to work closely with BRAC Commission Chairman Anthony Principi, top military officials, and the affected communities to ensure the commission receives all the necessary information to evaluate the Department of Defense recommendations, and will continue to make the best case possible for the preservation of our military installations.

I applaud the commitment by Secretary **Principi to attend the regional BRAC public hearing** scheduled in San Antonio on July 11. It is crucial that Secretary Principi and the BRAC commissioners see the critical value of Texas military facilities to our national and homeland security so they will be able to carry that message back as part of their overall review of the nation's defense readiness, and I intend to make the case at the San Antonio hearing. I'm encouraged that Secretary Principi will participate, so he can hear first-hand from leaders and citizens of the impacted communities – and that he has chosen not merely to rely on the statistics in a voluminous report.

For more information:
<http://www.cornyn.senate.gov/record.cfm?id=240135>

Promoting Wellness: Physical Education in Our Schools

As a member of the Task Force on Health Care Costs and the Uninsured, I take seriously my responsibility to promote healthy living. To that end, last month I introduced the **Physical Education in Schools Bill**, S. 1276. This bill would amend the No Child Left Behind Act to provide a national guideline for minimum standards for health and fitness in our schools. Though several state legislatures already require schools to implement some form of physical education, my bill would ensure that a national guideline for these standards is indeed implemented. While it is certainly critical that our children are proficient in the basic subject of mathematics, English, and science, it is also important that they have access to quality physical and health education programs that will provide the foundation for healthy lifestyles.

For more information:
<http://www.cornyn.senate.gov/record.cfm?id=240106>

Open Government is Good for All

The Freedom of Information Act (FOIA) plays a key role in keeping Americans informed of the activities of government. **Legislation passed by the Senate** last month will bring increased sunshine to the federal legislative process, and was an important step to strengthen FOIA. I introduced this bill to require that any future legislation containing exemptions to requirements be stated explicitly within the text of the bill. If Congress is to establish a new exemption to FOIA, it should do so in the open and in the light of day. The default position of our government must be one of openness – if records can be open, they should be open. If good reason exists to keep something closed, it is the government that should bear the burden – not the

other way around, and I will continue working to protect your right to be informed.

For more information:

<http://www.cornyn.senate.gov/record.cfm?id=239552>

Come See Me

If you're traveling to Washington for business or pleasure, I would greatly appreciate the chance to say hello while you're here. I host an open house in my office, Hart Senate Office Building , Room 625, from 9:00 to 9:30 a.m. every Tuesday when the Senate is in session, so I can greet and talk with Texans. Please call Denise Pleasant, in my office, at (202) 224-2934 to let me know you'll be coming.

Best regards,

Senator John Cornyn